

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	City of Lynchburg
Mailing Address:	2704 Concord Turnpike Lynchburg, VA 24505
Facility Name:	Lynchburg Waste Management Facility
DEQ Registration Number:	31048
Facility Location:	0.5 mile north of U.S. Route 460, Lynchburg, Virginia
AIRS Identification No.:	51-680-0204

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VA-31048	May 7, 2002	May 7, 2007

Robert G. Burnley
Director, Department of Environmental Quality

Signature Date

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I. Facility Information

Permittee

City of Lynchburg
Department of Public Works
Waste Management Division
2704 Concord Turnpike
Lynchburg, VA 24505

Responsible Official

David A. Owen
Waste Management Administrator

Facility

Lynchburg Waste Management Facility
0.5 mile north of U.S. Route 460
Lynchburg

Contact Person

David A. Owen
Waste Management Administrator
(804) 847-1807

AIRS Identification Number: 51-680-0204

Facility Description: SIC Code 9511 – Facility is a Municipal Solid Waste (MSW) landfill. MSW is disposed in sanitary landfill cells and decomposing waste produces landfill gas. The closed landfill unit contains a landfill gas collection system. Gas is collected and routed to a flare. An alternative operating scenario is to operate without the flare to combust the collected gas and instead pipe the gas to a nearby industrial facility for use as fuel.

II. Emission Units

Equipment to be operated consists of:

A. Significant Emissions Units

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
LL-001	-	MSW Landfill	3.17 million megagrams (4,585,100 cubic meters)	flare	L002	VOC	August 13, 2001

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

B. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
	none identified			

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

III. Process Equipment Requirements – (emission unit ID#LL-001)

A. Limitations

1. The design capacity of the MSW landfill is 3.17 million megagrams (4,585,100 cubic meters). A change in the design capacity may require a State Air Pollution Control Board permit to construct and operate.
(9 VAC 5-80-110 and Condition 2 of 8/13/01 Permit)
2. Within 30 months of the first annual emission rate report, required in Condition III.D.3. or Condition III.D.4, in which the emission rate equals or exceeds 50 megagrams per year, the permittee shall install a landfill gas collection and control system which:
 - a. Is designed to handle the maximum expected gas flow rate from the entire area of the landfill;
 - b. Collects gas from each area, cell or group of cells in which initial solid waste has been in place for a period of:
 - (1) 5 years or more if active; or
 - (2) 2 years or more if closed or at final grade;
 - c. Collects gas at a sufficient extraction rate;
 - d. Is designed to minimize off-site migration of subsurface gas;
 - e. Reduces NMOC by 98 weight-percent or, for an enclosed combustion device, either reduces NMOC by 98 weight-percent or reduces the outlet concentration to less than 20 ppmv, dry, as hexane, at 3 percent oxygen;
 - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.
(9 VAC 5-80-110 and Condition 3 of 8/13/01 Permit)
3. Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:
 - a. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by the DEQ) control measures.
 - b. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.

- c. Dust from haul roads shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.
- d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

(9 VAC 5-80-110 and Condition 4 of 8/13/01 Permit)

- 4. Except where this permit is more restrictive than the applicable requirement, the MSW landfill shall be modified and operated in accordance with 40 CFR 60, Subpart WWW.
(9 VAC 5-80-110 and Condition 5 of 8/13/01 Permit)

B. Monitoring and Recordkeeping

- 1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:
 - a. Current maximum design capacity, current amount of refuse in place, and year by year refuse accumulation rates.
 - b. Description, location, amount, and placement date of all nondegradable refuse including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas collection and control.
 - c. Installation date and location of all wells and flares.

These records shall be available on-site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 6 of 8/13/01 Permit)

- 2. At least one time per calendar week an observation of the presence of visible emissions from the flare stack shall be made. The presence of visible emissions shall require the permittee to:
 - a. take timely corrective action such that the flare, with visible emissions, resumes operation with no visible emissions, or,
 - b. conduct a visible emission determination on the flare stack in accordance with EPA Method 22 (reference 40 CFR 60, Appendix A) for a minimum of two (2) hours, to assure that there are no visible emissions from the flare except for periods not to exceed a total of 5 minutes during any two consecutive hours.

The permittee shall maintain a flare stack observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the flare has not been operated for any period during the week it shall be noted in the logbook.

(9 VAC 5-80-110 E, 9 VAC 5-80-110 K)

C. Testing

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-80-110)

D. Reporting

1. The permittee shall furnish written notification to the South Central Regional Office, of:
 - a. The actual date on which modification of the MSW landfill commenced within 30 days after such date.
 - b. The anticipated start-up date of the MSW landfill modification postmarked not more than 60 days nor less than 30 days prior to such date.
 - c. The actual start-up date of the MSW landfill modification within 15 days after the actual date of initial waste acceptance.

Copies of the written notifications referenced in items a, b, and c above and copies of the reports required in conditions III.D.3 to 10, and V.M. shall be sent to:

Chief
Air Enforcement Branch (3AP13)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and Condition 7 of 8/13/01 Permit)

2. Not later than one year from the date of the initial NMOC report, unless the permittee elects to submit a five-year NMOC emission rate report, the permittee must submit an annual NMOC emission rate report to the South Central Regional Office. The NMOC emission rate shall be calculated in accordance with the methodology contained in 40 CFR 60.754(a)(1) through (a)(5). The report shall include all data, calculations, sample reports and measurements used to estimate the emissions.

(9 VAC 5-80-110 and Condition 10 of 8/13/01 Permit)

3. If the estimated NMOC emission rate, as presented in the annual report required in Condition III.D.5, is less than 50 Mg/yr in each of the next five consecutive years following the initial NMOC report, the permittee may elect to submit an estimate of the NMOC emission rate for the next five year period in lieu of the annual report. The estimate shall include the following:

- a. current amount of solid waste in place, and
- b. the estimated waste acceptance rate for each year of the five years for which an NMOC emission rate is estimated.

The NMOC emission rate shall be calculated in accordance with the methodology contained in 40 CFR 60.754(a)(1) through (a)(5). All data, calculations, sample reports and measurements upon which the estimate is based shall be presented with the report to the South Central Regional Office. The estimate shall be revised at least every 5 years. (9 VAC 5-80-110 and Condition 11 of 8/13/01 Permit)

4. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the South Central Regional Office. The revised estimate shall cover the five year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate and shall be submitted within 180 days of the first exceedance of the estimated waste acceptance rate.
(9 VAC 5-80-110 and Condition 12 of 8/13/01 Permit)
5. If the reported NMOC emission rate, in the initial, annual or revised 5-yr report, is equal to or exceeds 50 megagrams per year, the permittee shall:

- a. submit an LFG gas collection system and control plan, or
- b. within 180 days of the emission rate report in Condition III.D.3 or Condition III.D.4, demonstrate, using a site specific NMOC concentration (Tier 2), that NMOC emission do not equal or exceed 50 megagrams per year, submit a revised NMOC emission rate report, resume annual NMOC emission rate reporting, and retest the site specific NMOC concentration every 5 years.

(9 VAC 5-80-110 and Condition 13 of 8/13/01 Permit)

6. If, using a site-specific NMOC concentration, the NMOC emission rate is equal to or exceeds 50 megagrams per year, the permittee shall:
 - a. submit an LFG gas collection system and control plan, or

- b. within 1 year of the emission rate report in Condition III.D.3 or Condition III.D.4, demonstrate using a site specific methane generation constant (Tier 3), that NMOC emissions do not equal or exceed 50 megagrams per year, submit a revised NMOC emission rate report and resume annual NMOC emission rate reporting.

(9 VAC 5-80-110 and Condition 14 of 8/13/01 Permit)

- 7. The landfill gas collection and control system design plan required by Condition III.D.8 or Condition III.D.9 shall be submitted to the South Central Regional Office, within one year after submitting the NMOC emission rate report required in Condition III.D.3 or Condition III.D.4, reporting an NMOC emission rate which equals or exceeds 50 megagrams per year.
(9 VAC 5-80-110 and Condition 15 of 8/13/01 Permit)
- 8. If the permittee is required to install a gas collection and control system according to the provisions of 9 VAC 5-50-410 Subpart WWW, the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).
(9 VAC 5-80-110 and Condition 16 of 8/13/01 Permit)
- 9. If the permittee is required to install a gas collection and control system according to the provisions of 9 VAC 5-50-410 Subpart WWW, the permittee shall apply for a Title V operating permit administrative amendment within 90 days of date of approval of the gas collection and control plan.
(9 VAC 5-80-110 and Condition 17 of 8/13/01 Permit)
- 10. The permittee shall submit a closure report to the South Central Regional Office, within 30 days of the date the MSW landfill stopped accepting waste.
(9 VAC 5-80-110 and Condition 18 of 8/13/01 Permit)
- 11. Upon installation of the LFG Collection and Control System required by 9 VAC 5-50-410, Subpart WWW, the permittee shall develop, maintain, and make available to all operators good operating procedures and a maintenance schedule for the LFG Collection and Control System. These procedures shall be based on the manufacturer's recommendations, at a minimum. All records required by this condition shall be on site for the most current five-year period and made available for inspection by the South Central Regional Office.
(9 VAC 5-80-110 and Condition 20 of 8/13/01 Permit)

IV. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
none identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

V. General Conditions

A. Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D, 9 VAC 5-80-170 B, and 9 VAC 5-80-80)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ every six months. The time periods to be addressed are the calendar months May through October and November through April. Each report must be postmarked within 30 days following each six-month reporting period. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report.

- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;

- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to DEQ and EPA a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The time period to be covered by the certification is the calendar months May through April. Each report must be postmarked within 30 days following each annual period. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. The identification of the methods or other means by the permittee for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data.
5. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.
(9 VAC 5-80-110 F.2)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the South Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the South Central Regional Office.
(9 VAC 5-20-180 C and 9 VAC 5-50-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

- a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions

resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H, 9 VAC 5-80-340 C and Condition 19 of 8/13/01 Permit)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. An alternative operating scenario is to operate

without the flare to combust the collected gas and instead pipe the gas to a nearby industrial facility for use as fuel.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally

- or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)